



Montoya, Darlene <dmontoya@nmag.gov>

RE: Request for Policies & Procedures Related to Officer-Involved Shooting and Other Use-of-Force Incidents

4 messages

Montoya, Darlene <dmontoya@nmag.gov>
To: marshal@mesillanm.gov

Mon, Dec 19, 2016 at 1:15 PM

Marshal:

Attached please find correspondence from the Law Enforcement Board Subcommittee regarding the above-referenced matter.

If you have any questions or concerns, please do not hesitate to contact me. Thank you.

Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:(505)490-4854)

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84K

K.C. Alberg <marshal@mesillanm.gov>
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Fri, Feb 10, 2017 at 2:31 PM

Ms. Montoya:

Good afternoon, ma'am. I was recently appointed as marshal. I learned that the agency has no formal suite of policies and procedures. Rather, a "DRAFT" General Orders Manual is extant; however, it has not--to my knowledge--been updated since its submission circa 2012. I'll forward the relevant sections requested. I regret the delay. Take care and God bless. --K.

Marshal K.C. Alberg
Town of Mesilla, NM

[Quoted text hidden]

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Montoya, Darlene <dmontoya@nmag.gov>
To: "K.C. Alberg" <marshal@mesillanm.gov>

Fri, Feb 10, 2017 at 2:32 PM

Thank you so much Marshal Alberg. I will await them.

Have a wonderful weekend and stay safe.

[Quoted text hidden]

--
Darlene Montoya, Administrator
New Mexico Attorney General's Office
408 Galisteo Street
Santa Fe, New Mexico 87501
[\(505\) 490-4854](tel:(505)490-4854)

K.C. Alberg <marshal@mesillanm.gov>

Fri, Feb 10, 2017 at 2:43 PM

To: "Montoya, Darlene" <dmontoya@nmag.gov>

You, too!

They should be there. I sent them under separate cover. Thx! -K.

Marshal K.C. Alberg
Town of Mesilla, NM

[Quoted text hidden]

133 OFFICER INVOLVED SHOOTING – LIAISON OFFICER

PURPOSE

To provide an informational link between the Department and any commissioned officer who has been involved in a shooting either on or off duty. A liaison officer may be assigned to assist other officers who have been a victim of a shooting, but who did not discharge a firearm.

POLICY

It is the policy of the Mesilla Marshal's Department to assign a liaison to assist any commissioned officer who has been involved in a shooting. Such an assignment should be given to another commissioned officer who has been involved in a previous shooting and who was subsequently cleared of wrongdoing. Any liaison assignment shall be made only by the Marshal or his / her designee.

133.01 PROCEDURE

After learning of a shooting incident involving a commissioned officer, the assigned liaison officer will:

1. Receive a briefing of the incident by the Marshal or his / her designee.
2. Make reasonable attempts to contact the involved officer(s) as soon as possible and inform him or her of the nature of the assignment. If the involved officer(s) chooses to waive their right to liaison assistance, he or she may do so. The liaison officer will brief Administration of this fact as soon as practical.
3. If the involved officer(s) chooses to accept the assistance of the liaison, the liaison will, after notifying his / her supervisor of the special assignment:
the Marshal
 - a. Ensure that the involved officer's legal representation is contacted before any interviews are conducted.
 - b. Keep daily contact with the officer(s) for the purpose of checking the officer's welfare and the welfare of his / her family.
 - c. Provide regular feedback to the Marshal or his / her designee as to the status and welfare of the involved officer(s) and his / her family.

- d. Make reasonable efforts to provide transportation for the involved officer(s) to and from interviews as needed.
- e. Make reasonable efforts to provide transportation to and from services such as EAP, Victims Assistance and/or the Police Chaplain as needed.
- f. Ensure regular communication between the involved officer(s) and the Marshal or his / her designee as to the status of the investigation.
through
- g. Facilitate the issuance of a Departmental cell phone to the involved officer(s) during the investigative period to help facilitate communication.
- h. At no time will the liaison officer discuss the investigation, other than general status, with the involved officer(s).
- i. Maintain a log of his / her activities concerning the shooting incident, identify the case with the appropriate incident case number, and turn the file over to the Marshal upon completion of the internal affairs investigation. All documentation recorded by the liaison officer shall be stored in the appropriate personnel file. If it becomes necessary or desirable for the liaison officer to further document his or her activities, a memorandum should be used for this purpose unless otherwise directed by the Marshal or his / her designee.

mayor

POLICY

It is the policy of the Mesilla Marshal's Department to provide an efficient and effective reporting system to record incidents occurring within the community. Police reports serve to accurately record police activities, provide necessary information for successful prosecution of criminal cases, and provide input for planning current and future police operations.

135.01**ACCURACY AND THOROUGHNESS REQUIRED**

Departmental personnel are required to report accurately all details of crimes, violations, incidents or other information of Departmental concern. Personnel shall not falsely remove, tamper with, or withhold evidence or information in any police report. A police report must be factual, accurate, logical, clear, concise and complete.

Departmental personnel will use the first person in the narrative portion of the report. The facts of the report shall be organized chronologically, and all reports shall be prepared objectively, staying only with the facts. If there is a specific reason for including the officer's opinion, the statement shall be clearly labeled as his / her opinion. An effective police report answers the questions of who, what, where, when, how, and why.

135.02**INITIATION OF REPORTS**

Departmental personnel will initiate police reports after learning of certain situations and circumstances including but not limited to the following:

- A. Felony crimes, misdemeanor crimes, petty misdemeanor crimes, traffic offenses involving an arrest, protective custody situations, and any incident or warrant service resulting in an arrest.
- B. Suicide, attempted suicide or any unattended or suspicious death.

- C. All traffic crashes, except when the involved parties agree not to file a report, or when traffic crashes occur on private property (unless the crash involves an injury or fatality, an arrestable offense such as DWI, or hit and run).
- D. When an officer is at the scene of a possible crime.
- E. When a citizen or victim specifically requests that a report be made, even if the incident is non-criminal in nature.
- F. When directed to do so by a supervisor. *the Marshall*
- G. All domestic violence related incidents whether or not an arrest is made.
- H. Any firearm discharge whether or not there is injury.
- I. When property or evidence is collected.
- J. When further investigation may be necessary.
- K. When force is used.

Reports of all felonies, arrests, uses of force, missing persons or runaways are considered priority reports and shall be called in priority.

135.03

REVIEW OF REPORTS

All reports will be reviewed by the reporting officer prior to being submitted as a final report. If a report requires additional information or does not adequately describe the incident, the reporting officer will prepare a supplemental report. Supplemental reports are also to be completed when additional information becomes available concerning a previously reported case. Supplemental reports are not required if corrections to the initial report involve only spelling or grammatical errors.

135.04

TIMELINESS OF REPORTS

All reports must be completed within 48 hours of the officers work day except at the direction of a Marshal.

Case documents will be submitted with the reports when completed.

135.05 ALTERATION OF ORIGINAL REPORTS

Original incident reports will not be altered. Any needed changes must be made on a supplemental report. Only grammatical and spelling error changes can be made to the original report prior to final approval.

135.06 REPORTS OF ALLEGED OFFICER MISCONDUCT

Departmental personnel will not prepare a police report alleging officer misconduct, if the alleged misconduct occurred on duty. If the alleged misconduct occurred off duty, the officer receiving the information will notify the Marshal immediately. Departmental personnel will follow the procedures outlined in General Order 160. If the alleged misconduct is criminal in nature, a report will be initiated after authorization by the Marshal.